

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ELEXCO LAND SERVICES, INC.,

Plaintiff,

v.

ORDER
11-CV-214A

DAVID HENNIG and
INLAND GEOSERVICES LLC,

Defendants.

The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On April 23, 2012, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that defendants' motion to dismiss the claim of plaintiff for tortious interference with contractual relations be dismissed without leave to replead.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, defendants' motion to dismiss the claim of plaintiff for tortious interference with contractual relations is dismissed without leave to replead.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: May 25, 2012